

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

GEORGE NEAL WILLIAMS	§	
VS.	§	CIVIL ACTION NO. 1:22cv329
LARRY GIST UNIT	§	

**ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff George Neal Williams. proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983. The Court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable orders of this Court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that this case be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation. The Court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

The United States Court of Appeals for the Fifth Circuit previously concluded at least three lawsuits and appeals filed by plaintiff were dismissed as frivolous or for failure to state a claim. *Williams v. Dretke*, 306 F. App'x 164, 167 (5th Cir. 2009). As a result, Section 1915(g) provides that plaintiff may only proceed with a lawsuit *in form pauperis* if he was in imminent danger of serious physical injury on the date he filed his case.

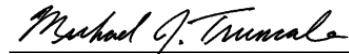
Plaintiff's complaint is dated August 3, 2022. He complains of being subjected to unconstitutional conditions of confinement during a unit "lock down" in May of 2022. In his objections, plaintiff further asserts that as a result of staffing issues, inmates are often not permitted to engage in recreation. He also states that on occasion meals are missed because inmates are unable to go to the cafeteria before the meal period ends.

Neither the allegations in the complaint nor the additional assertions in his objections demonstrate plaintiff was in imminent danger of serious physical injury. As a result, the magistrate judge correctly concluded this lawsuit should be dismissed pursuant to Section 1915(g).

ORDER

Accordingly, plaintiff's objections [Dkt. 9] are OVERRULED. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge [Dkt. 7] is ACCEPTED. A final judgment shall be entered dismissing this lawsuit.

SIGNED this 6th day of October, 2022.

A handwritten signature in black ink, reading "Michael J. Truncala", is positioned above a horizontal line.

Michael J. Truncala
United States District Judge